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09/966,610	09/27/2001	Gregory Robert Roelofs	US018149	4781

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EXAMINER

DINH, DUC Q

ART UNIT

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4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/966,610	ROELOFS, GREGORY ROBERT
	Examiner DUC Q DINH	Art Unit 2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 September 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

4) Interview Summary (PTO-413) Paper No(s). _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-7 and 9-12, drawn to a bar graph display apparatus, classified in class 345, subclass 35.
 - II. Claim 8, drawn to multicomputer data transferring between sever/client classified in class 709, subclass 203.
2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, for example, invention of group I has separate utility such as display the visual representation of audio signal which does not utilize the multicomputer system between networks to display. See MPEP § 806.05(d).
The inventions are distinct, each from the other because of the following reasons:
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Micheal Smith on April 29th, 2003 a provisional election was made without traverse to prosecute the invention of group I, claims 1-7 and 9-12. Affirmation of this election must be made by applicant in replying to this Office action. Claim 8 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

5. The information disclosure statement (IDS) submitted on 10/22/02 has been received and entered. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 11 recited the limitation "means for folding the apparatus" over a surface of an object. Although the specification does mention that the display device folds at creases 115, 116 and 117 (page 5, lines 15-20), there is no support for the "means for folding" the display over a surface of an object. In addition, the

specification is not enabling as to how one of ordinary skill would actually fold the display device as claimed.

The examiner examines the application based on the best understood of the claim language.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 6-7, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady (U. S. Patent No. 4,140,997).

In reference to claims 1-3 and 11-12, Brady discloses an electronic visual display systems which operate on an input signal to provide visual outputs having patterns, colors and motions which may be varied in accordance with a predetermined scheme. The amplitude, tempo and frequency content of the input signals are used in a variety of logical selection functions to control the color, pattern and motion of lights in a visual display matrix having three dimensional properties in a manner influenced by the contents of programmed memory components. The memory component programming is sufficiently flexible to provide a variety of visual effects from the systems (see Fig. 1-2 and associated text).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to install the display device on the surface of the system (such as audio or music system) for providing visual presentation of an audio signal that could interpret though the motion, tempo of the motion, frequency content, and intensity of an audio input (col. 1, lines 63 – col. 2, lines 5).

In reference to claim 6, Brady discloses a switch 125 is provided to select the divider output of the display clock divider 123 to provide a clock input to a display program counter 127 via the switch 125. When the switch 125 is in any of the positions except position A shown in FIG. 4b, the output of display clock divider is sampled under manual control. When switch 125 is in position A the clock rate is placed under program control of the contents of a divider clock memory 129 whose function will be discussed in more detail subsequently.

In reference to claim 7, Brady discloses the programmable frequency content selection logic in Fig. 1.

In reference to claims 9-10, Brady discloses in FIG. 5a the visual display system individual lighting components is illustrated in more detail. A geometrically shaped, frosted, plastic or glass diffuser cover 42, 43 is used to diffuse the light from a colored light bulb source 44 which is mounted in a conventional light socket 45 on the display base board 41. The diffuser cover 42, 43 is frosted so that it emanates the light bulbs' color uniformly across its entire surface. Thus each light in the display array of FIG. 6 allows a uniformly pure color emanation without producing a point source effect. Moreover, the display light covers 42 and 43 may be made in a variety of geometrical shapes and sizes as illustrated in the matrix of FIG. 5b. These diffuser covers also serve to conceal the shape and color of the bulb contained therein so that

when a particular bulb is not illuminated in a display its color remains concealed from external visual contact. The diffuser covers 42 and 43 comprise a translucent, frosted or matte finish plastic. The height of the diffuser covers may be different for each of the different colored lights which they conceal, for example, red lights could have the tallest covered diffuser covers 42, 43 while blue lights may have smaller or shorter diffuser covers. The three dimensional effect given by such an arrangement is shown in FIG. 5b in more detail. The separability of the covers into two portions 42 and 43 as illustrated in FIG. 5a enables easy replacement of a light bulb should the bulb need replacement. While a particular display matrix utilizing conventional light bulbs has been illustrated with respect to the systems of the present invention, it will be appreciated by those skilled in the art that light emitting diode (LED) sources could be used, if desired, or other more conventional visual displays including color cathode ray tubes (CRT) could be used as desired for the display portion 33, 34, 35 of the system of FIG. 2. The novel three-dimensional display system described with respect to FIGS. 5a and 5b, however, gives an effect heretofore unknown in the prior art (col. 6, line 56-col 7, line 39).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brady in view of Chien (U. S. Patent No. 6,270,229).

In reference to claim 4, Brady does not disclose that the display device display the visual pattern using electro luminescent material. Chien disclose an audio device having three dimensional electro-luminescent display device that are responsive to sounds output by the audio equipment to provide an attractive light show (see abstract and Fig. 6).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to substitute the electro-luminescent display of Chien for the LED display of Brady for providing an attractive of neon lightning arrangements at a lower cost and lower power consumption, and which is less fragile and easier to assemble display device for the system (col.3, lines 1-4 of Chien)

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brady in view of Ohtani et al (U. S. Patent No. 6,225,966).

In reference to claim 5, Brady does not disclose that the display device display the visual pattern using transistor. Ohtani disclose a display device-using transistor in audio devices in Fig. 9 as claimed.

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to substitute the display device of Ohtani for the device of Brady to provide a structure with a liquid crystal can be made flat while satisfying other requirements (col.3, lines 1-4 of Ohtani et al.).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DUC Q DINH** whose telephone number is **(703) 306-5412** The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, Va Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(703) 306-0377**.

DUC Q DINH
Examiner
Art Unit 2674

DQD
May 4, 2003



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600